

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

Senate Engrossed  
**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 268  
**SENATE BILL 1451**

AN ACT

AMENDING TITLE 36, CHAPTER 25, ARIZONA REVISED STATUTES, BY ADDING ARTICLE  
2; RELATING TO ORTHOTIC AND PROSTHETIC DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The chapter heading of title 36, chapter 25, Arizona Revised  
4 Statutes, is changed from "HEALTH CARE QUALITY ASSURANCE" to "HEALTH CARE  
5 QUALITY".

6 Sec. 2. Title 36, chapter 25, Arizona Revised Statutes, is amended  
7 by adding article 2, to read:

8 ARTICLE 2. ORTHOTIC AND PROSTHETIC DEVICE STANDARDS

9 36-2411. Custom orthotic and custom prosthetic devices;  
10 requirements; definition

11 A. BEGINNING JANUARY 1, 2018, A CUSTOM ORTHOTIC OR CUSTOM  
12 PROSTHETIC DEVICE FURNISHED TO AN INDIVIDUAL SHALL MEET ALL OF THE  
13 FOLLOWING REQUIREMENTS:

14 1. EXCEPT FOR A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE  
15 PROVIDED BY A HEALTH CARE PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32,  
16 CHAPTER 7, 13, 17, 19, 25 OR 34, BE PROVIDED BY A FABRICATOR OR SUPPLIER  
17 THAT IS ACCREDITED BY AN INDEPENDENT ACCREDITATION ORGANIZATION APPROVED  
18 BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN  
19 SERVICES PURSUANT TO 42 UNITED STATES CODE SECTION 1395m(a)(20)(B) AND THE  
20 REGULATIONS PROMULGATED THEREUNDER.

21 2. BE PROVIDED BY A HEALTH CARE PROVIDER THAT IS A QUALIFIED  
22 PRACTITIONER AS DEFINED IN 42 UNITED STATES CODE SECTION 1395m(h)(1)(F) OR  
23 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 13, 17, 19, 25 OR 34.

24 3. HAVE A VALID PRESCRIPTION FOR THE CUSTOM ORTHOTIC OR CUSTOM  
25 PROSTHETIC DEVICE.

26 B. EXCEPT FOR A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE  
27 PROVIDED BY A HEALTH CARE PROVIDER WHO IS LICENSED PURSUANT TO TITLE 32,  
28 CHAPTER 7, 13, 17, 19, 25 OR 34, A HEALTH CARE PROVIDER THAT DOES NOT  
29 RECEIVE INSURANCE PAYMENT FOR A CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC  
30 DEVICE BECAUSE THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE OR THE  
31 PROVIDER DOES NOT MEET THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION  
32 MAY NOT ATTEMPT TO COLLECT PAYMENT OR REIMBURSEMENT FOR THE AMOUNT OF THE  
33 COVERAGE DENIAL FOR THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE FROM  
34 THE PATIENT. THIS SUBSECTION APPLIES ONLY IF THE COVERAGE DENIAL IS  
35 STRICTLY BASED ON THE CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE OR THE  
36 PROVIDER NOT MEETING THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION.

37 C. THIS SECTION DOES NOT REQUIRE A HEALTH CARE PROVIDER TO ACCEPT  
38 MEDICARE PATIENTS.

39 D. FOR THE PURPOSES OF THIS SECTION, "CUSTOM ORTHOTIC OR CUSTOM  
40 PROSTHETIC DEVICE" MEANS AN ORTHOTIC OR PROSTHETIC DEVICE THAT IS  
41 INDIVIDUALLY FABRICATED FOR A PATIENT OVER A POSITIVE MOLD, A TRACING OR A  
42 SCAN OF THE PATIENT. CUSTOM ORTHOTIC OR CUSTOM PROSTHETIC DEVICE DOES NOT  
43 INCLUDE SHOES AND SHOE INSERTS, A DENTAL DEVICE, A HEARING-RELATED DEVICE  
44 OR THE REPLACEMENT OF ALL OR PART OF AN INTERNAL BODY ORGAN.

**APPROVED BY THE GOVERNOR MAY 2, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2017.**

Passed the House April 25, 20 17,

Passed the Senate February 21, 20 17,

by the following vote: 45 Ayes,

by the following vote: 25 Ayes,

11 Nays, 3 Not Voting

5 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26<sup>th</sup> day of April, 20 17,

at 10:30 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 2nd day of

May, 20 17,

at 4:10 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 2 day of May, 20 17,

at 4:57 o'clock P M.

[Signature]  
Secretary of State

S.B. 1451